

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THEODORE KING and ANIELLO MADONNA, as :  
Trustees of Local 282 International :  
Brotherhood of Teamsters Welfare, :  
Pension, Annuity and Job Training :  
Trust Funds, :  
:  
Plaintiffs, :  
:  
-against- :  
:  
JCS ENTERPRISES, INC. and JCS :  
CONSTRUCTION CO., :  
:  
Defendants. :  
-----X

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.

★ JAN 09 2006 ★

LONG ISLAND OFFICE

CV-94-4604  
(WGY)

JUDGMENT

WHEREAS, on May 12, 13, 14, 15, and 16, 2003, the Court conducted a trial of Plaintiffs' claims made pursuant to Sections 502(a)(3) and 515 of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1132(a)(3) and 1145;

WHEREAS, the Court accepted post-trial submissions into the record from Plaintiffs, the Trustees and Fiduciaries (the "Trustees") of the Local 282 Welfare, Pension, Annuity and Job Training Trust Funds (the "Funds") and Defendants JCS Enterprises, JCS Construction Company, Andrea Doreen, Conroc, Michael Loguidice and Dorothy Loguidice (hereinafter referred to collectively as "Defendants");

WHEREAS, the Court found that the corporate defendants constituted alter egos and were thus jointly and severally liable for any obligations and the individual defendants, Dorothy Loguidice and Michael Loguidice, were individually liable for such obligations;

WHEREAS, the Court held that the Defendants were liable for \$108,108 in contributions, \$48,277 in interest, \$48,277 in liquidated damages under ERISA, 29 U.S.C. sec. 1132(g)(2); \$6,894.76 in per diem interest at the rate of 6% through July 23, 2004; \$6,894.76 in per diem liquidated damages at the rate of 6%<sup>1</sup> through July 23, 2004, for a total of \$218,451.52;

WHEREAS, the Court held that the Defendants are liable to the Trustees for attorneys' fees and costs in the amount of \$329,022.01;

WHEREAS, the total fee award is subject to interest at 1.23% from May 16, 2003 until the award is paid in full, which results in \$11.08 per diem from May 16, 2003, for a total of \$754.12 in interest through July 23, 2004;

WHEREAS, the total of attorneys' fees and costs plus per diem interest equals \$329,776.13;

WHEREAS, the total award is subject to interest of 1.23% from July 24, 2004 until the award is paid in full, which results in \$18.47 per diem;

WHEREAS, Defendants counterclaims are dismissed with prejudice;

and it is

ORDERED AND ADJUDGED that Judgment be entered in favor of Plaintiff Trustees and against Defendants JCS Enterprises, JCS Construction Company, Andrea Doreen, Conroc, Michael Loguidice and Dorothy Loguidice, jointly and severally, and that Plaintiff Trustees be entitled to recover from Defendants JCS Enterprises, JCS Construction Company, Andrea Doreen, Conroc, Michael Loguidice and Dorothy Loguidice, jointly and severally, the sum of \$548,227.65; plus interest in the amount of 1.23% per annum from July 24, 2004 until the date Judgment is entered, pursuant to 28 U.S.C. § 1961 until the date the Judgment is satisfied

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<sup>1</sup> In its' Memorandum and Order of October 3, 2003, the Court calculated per diem interest on the contributions at \$17.77 and per diem additional interest on the contributions at \$17.77.

Quesinberry v. Life Insurance Company of North America, 987 F.2d 1017, 1031 (4th Cir. 1993).

DATED: Boston Massachusetts

~~August~~, 2004

*January 9* 6

WILLIAM G. YOUNG  
UNITED STATES DISTRICT JUDGE